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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 05262004

Application Number: 09/579,901

Filing Date: May 26, 2000

Appellant(s): GLANZMANN, ALFRED

Friedrich Kueffner
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed March 25, 2004.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

The rejection of claims 1, 3, 4, 6-8, 12, 15-17 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) ClaimsAppealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

Art Unit: 3651

5,456,555	Tebbe et al.	5-1995
EP 0663363 A1	Koren	7-1995

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 3-4, 8, 12, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al. in view of Koren (EP 0663363A1). Nelson discloses a folded sheet opening device with a transport disc (3) fixedly connected to a shaft of a first opening drum (see Figures 13 and 14) which has an outer elastic support (30c), fastened to a disc body of the transport disc with a screw (see Figure 4), cooperating with a securing disc (29) of a second opening drum (see Figures 13 and 14) to clamp an individual printed sheet (15) between the outer elastic support and the securing disc for transporting the individual printed sheet to a transport device (32). The printed sheet feeder is a gather-stitcher feeder (see col. 1, line 21). Nelson emphasizes the importance of fully controlling the sheets across their entire width to ensure proper positioning of inserts (see col. 3, lines 55-74). Nelson discloses all the limitations of the claims, but it does not disclose that the outer elastic support has an outer bearing layer, a compensation area, a radial compression area, an inner layer, or a plurality of stays formed as ledges or lamellas which are positioned at a slant to a radial line. However, Koren (EP 0663363A) discloses a unitary outer elastic support for a rotating disc (roller). Koren discloses that the outer elastic support includes an outer bearing layer (3), a compensation area (2), a radial compression area (9, 14), an inner layer (20), and a plurality of stays formed as ledges or lamella which are positioned at a slant to a radial line (see Figure 5) for the purpose of controlling the position of sheets by spreading them

widthwise. Koren discloses that the compensation area is more elastic in the radial direction than the outer bearing layer and that the radial compression area has a thickness at least substantially matching a radial thickness of the outer bearing layer. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Nelson by utilizing the outer elastic support disclosed by Koren for the purpose of controlling the position of sheets by spreading them widthwise.

Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al. in view of Koren (EP 0663363A1) as applied to claims 1, 5, and 12 above, and further in view of Tebbe et al. Nelson and Koren together disclose all the limitations of the claims, but they don't disclose that the outer elastic support is made of polyurethane. Rather, they disclose that the outer elastic support is made of rubber. However, Tebbe discloses that polyurethane is an equivalent material known in the art (see col. 11, lines 45-47). Polyurethane is easier to clean than rubber. Therefore, because these two materials were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute polyurethane for rubber for the purpose of providing an easy to clean surface.

(11) *Response to Argument*

The appellant states that the rejection of claim 1 as being unpatentable under 35 U.S.C 103(a) over Nelson et al. in view of Koren is in error because the combination of references does not disclose the claimed invention. However, the appellant does not point to any specific limitation in claim 1. Rather, the appellant restates claim 1 in its entirety and asserts that the combination does not disclose the invention as claimed.

In response to the appellant's statement, the following claim chart demonstrates the presence of each limitation of claim 1.

Limitation	Corresponding Structure
A <u>transport disc</u> for an opening device of a printed sheet feeder,	Nelson, item 30
the transport disc configured to be arranged on a <u>first opening drum</u> of the opening device,	Nelson, Fig. 14
<u>the transport disc comprising:</u> <u>at least one outer elastic support</u> ,	Nelson, item 30(c)
<u>wherein the outer elastic support</u> <u>is configured to cooperate with a</u> <u>securing disc</u>	Nelson, item 29
of a <u>second opening drum</u> of the opening device	Nelson, Fig. 13
<u>to clamp</u> <u>an individual printed</u> <u>sheet</u>	Nelson, item 15
<u>between the outer elastic support</u> <u>and the securing disc for transporting</u> <u>the individual printed sheet</u>	Nelson, Fig. 1
to a transport device,	Nelson, item 15
<u>wherein the outer elastic support is</u> <u>a rubber-elastic segment body</u> <u>extending in a circumferential direction</u> <u>of the transport disc, and</u>	Nelson, col. 3, lines 64-65

Limitation	Corresponding Structure
wherein the rubber-elastic segment body is comprised of <u>an outer bearing layer</u> and	Koren, item 3
<u>a compensation area positioned radially inwardly underneath the outer bearing layer,</u>	Koren, item 2
wherein the compensation area is radially yielding and supports the outer bearing layer,	Koren, p. 7, para. 2
the compensation area being more elastic in the radial direction than the outer bearing layer,	Koren, p. 7 - p. 8
the compensation area having <u>a plurality of stays</u>	Koren, Fig. 5
each having <u>a first end connected to the outer bearing layer</u>	Koren, item 4
and each having <u>a second end positioned radially inwardly of the respective first end,</u>	Koren, item 14
<u>the stays being formed as ledges or lamellas,</u>	Koren, Fig. 5
the stays being positioned at a slant to <u>a radial line extending in a radial direction from the first end to a center of the transport disc,</u> respectively	Koren, Fig. 2

The appellant states that the roller of the Koren reference and the transport disk according to the appellant's invention are structurally different. However, the appellant has not pointed out any specific limitation in claim 1 and stated that it is not disclosed by Koren. For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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Primary Examiner
Art Unit 3651

phm
May 26, 2004

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